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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,273	02/06/2004	Carol I. Keith-Wolfe	KEITH-WOLFE	4452

7590 06/05/2006  
ROBERT M. SPERRY, ESQ.  
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EXAMINER
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MAY, ROBERT J

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/772,273	<b>Applicant(s)</b> KEITH-WOLFE, CAROL I.	
	<b>Examiner</b> Robert May	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-19,21-49 and 51-61 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 51 is/are allowed.  
 6) ☒ Claim(s) 46 is/are rejected.  
 7) ☒ Claim(s) 1,3-19,21-45,47-49,52-61 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The present claims do not correspond to any of the previous sets, but due to confusion in those previous sets and the corrections and improvements of the set made on 13 March 2006, they have been accepted.

#### ***Priority***

This application is claiming the benefit of prior-filed nonprovisional application No. 09/629,637 under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required. Since the applications are not copending, the benefit claim to the prior-filed nonprovisional application is improper. Applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, or the application data sheet, depending on where the reference was originally submitted, unless applicant can establish copendency between the applications.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "15" has been used to designate both a light source and an upper edge.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The concave and convex surface

of the front surface as recited in Claims 15-16 respectively must be shown or the feature(s) canceled from the claim(s).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because "the opposite edge" on line 6, and "the outer edge" on line 7 do not have proper antecedent basis.

Claims 42, 52 and 55-56 are objected to because they are indicated, as being amended however there appears to be no change made to Claims.

Claim 55 is once again objected to because word such as --has a--should be inserted after "and" on the 2<sup>nd</sup> line.

Claim 42 is objected to because "said lens panel" recited on the last line, does not have antecedent basis.

It is noted that the applicant has indicated amendments addressing the objection to Claims 42, 52, and 55-56 on the front page of the Remarks section but has not followed the amendment procedure outlined under 37 CFR 1.121 requiring the full text of the claim present along with the markups made to each of the Claims.

Also, Claims 3-19, 21-41, 43-45, 47-49, 53-54, and 56-61 are objected to because they depend from Claims 1, 42, and 52 directly or indirectly.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 46 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 46 recites the light distribution device as a device for regulating temperature, however in the specification on page 8 describes the light distribution device as not generating any heat or electricity but the specification fails to disclose in what way or how this regulates the temperature of the surroundings.

***Response to Arguments Regarding Objections***

The applicant asserts that Figure 3 clearly shows the concave and convex surfaces as recited in Claims 15-16. The Examiner acknowledges that in Figure 3, that the front surface has a shape, but does not interpret the shape disclosed in Figure 3 to be of a concave and/or convex shape because it is not spherical or semi-spherical as required by the definition of the terms convex and concave.

Regarding Claim 22, the objection is withdrawn.

***Response to Arguments Regarding Claims***

Regarding Claim 45, the rejection of Claim 45 under 35 U.S.C. 112 1<sup>st</sup> paragraph is withdrawn.

Applicant's arguments regarding Claim 46, filed 13 March 2006 have been fully considered but they are not persuasive.

Regarding Claim 46, the applicant asserts that the claim is supported by the specification when it states that "Obviously, the light pipe could receive energy from solar panels or the like," and then goes on to assert that the infrared component of the light could be filtered or passed by the light distribution device to serve to regulate the temperature of the surrounding area. Furthermore it is generally known in the art that light pipes are often used for the reason that they do not emit or transmit heat.

Therefore, the rejection of Claim 46 under 35 U.S.C. 112 is maintained. The applicant in this argument is adding functionality that was not otherwise provided for in the original

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disclosure and this functionality would not be considered inherent or obvious from reading Claim 46 in light of the original disclosure.

Applicant's arguments see Remarks, filed 13 March 2006, with respect to Claims 1,3-5,7-12,14-19,21-24,27-30,37-45,47,51-54,56 and 58-60 have been fully considered and are persuasive. The rejection of the Claims 1,3-5,7-12,14-19,21-24,27-30,37-45,47,51-54,56 and 58-60 has been withdrawn.

***Allowable Subject Matter***

Claim 51 is allowed.

Claims 1,3-19,21-41,42-45,47-49, and 52-61 are allowable if Claims 1,42,52, and 55-56 are rewritten to overcome the objections stated above.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claims 1, 42, and 52, the prior art does not teach or show a light distribution system wherein a recess is formed adjacent the base of at least one of the lens panels.

Regarding Claim 51, the prior art does not teach or show a light distribution system wherein a light cartridge connects said bases and serves to deliver light through said lens panels.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeichi (US Pat 3,761,704) discloses a light distribution with two panels having a common geometrical base.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RM

5/15/06



RENEE LUEBKE  
PRIMARY EXAMINER